

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

IN RE:)	
)	Chapter 7
JESSICA DAWN SCOTT,)	
)	Case Number 16-50158
<u>Debtor.</u>)	
)	
JUDY A. ROBBINS,)	
United States Trustee For Region Four,)	
)	
Plaintiff,)	
)	
v.)	Adversary Proceeding
)	Case Number 16-05014
)	
JOHN C. MORGAN, JR.,)	
JOHN C. MORGAN, JR., PLLC,)	
UPRIGHT LAW LLC,)	
LAW SOLUTIONS CHICAGO LLC,)	
JASON ROYCE ALLEN,)	
KEVIN W. CHERN,)	
EDMUND SCANLAN, and)	
SPERRO LLC,)	
)	
<u>Defendants.</u>)	

MOTION FOR ENTRY OF A PROTECTIVE ORDER

Judy A. Robbins, United States Trustee for Region Four (the “United States Trustee”), by counsel, moves the Court pursuant to 11 U.S.C. §§ 105 and 107 and Fed. R. Bankr. P. 9037(d) to enter a protective order prohibiting remote electronic access to Exhibit 5 to the complaint [Docket Number 1-6]. In support of this motion, the United States Trustee respectfully states as follows:

Jurisdiction and Venue

1. Jurisdiction is proper pursuant to 28 U.S.C. §§ 157 and 1334. The statutory predicates for this objection are 11 U.S.C. §§ 105(a) and 107.
2. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.
3. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

Background

4. On June 30, 2016, the United States Trustee commenced this adversary proceeding by filing a complaint.
5. Attached to the complaint as Exhibit 5 was a DMV report. Exhibit 5 is docketed as Docket Number 1-6.
6. Exhibit 5 contains certain personally identifiable information relating to the Debtor, and public access to that information should be restricted to protect the Debtor.
7. Contemporaneous with the filing of this motion, a redacted version of Exhibit 5 is being filed with the court.

Basis for Relief

8. The Court may issue any order necessary or appropriate to carry out the provisions of the Bankruptcy Code. 11 U.S.C. § 105(a).
 9. Section 107(c)(1) of the Bankruptcy Code states:
 - (1) The bankruptcy court, for cause, may protect an individual, with respect to the following types of information to the extent the court finds that disclosure of such information would create undue risk of identity theft or other unlawful injury to the individual or the individual's property:
 - (A) Any means of identification (as defined in section 1028 (d) of title 18) contained in a paper filed, or to be filed, in a case under this title.
 - (B) Other information contained in a paper described in subparagraph (A).
- 11 U.S.C. § 107(c)(1). A Social Security Number is a "means of identification" listed in section

1028(d)(7) of title 18 of the United States Code.

10. The Debtor's Social Security Number was inadvertently disclosed on Docket Number 1-6.

WHEREFORE, the United States Trustee, by counsel, moves the Court to enter the attached proposed order prohibiting remote electronic access to docket entry number 1-6.

Date: July 6, 2016

Respectfully submitted,

United States Trustee

By: /s/ W. Joel Charboneau

Office of The United States Trustee
210 First Street, Suite 505
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540-857-2699
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Trial Attorney for the United States Trustee

CERTIFICATE OF SERVICE

I certify that on July 6, 2016, I electronically filed the foregoing with the United States Bankruptcy Court for the Western District of Virginia which caused electronic notifications of filing to be served on all registered users of the CM/ECF System that have appeared in this case and on this same date I mailed a copy by first class mail to counsel for the Debtor at:

Jessica Dawn Scott
c/o John C. Morgan, Jr.
98 Alexandria Pike, Suite 10
Warrenton, Virginia 20186

On this same day, I mailed copies by first class mail to:

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/s/ W. Joel Charboneau

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Trial Attorney for the United States Trustee

PROPOSED ORDER

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)	
<u>Defendants.</u>)	

ORDER RESTRICTING ACCESS TO DOCKET NUMBER 1-6

The matter before the court is the motion filed on behalf of the United States Trustee to restrict access to Docket Number 1-6. It appearing proper to do so, it is

ORDERED

that the Clerk is directed to prohibit electronic access to Docket Number 1-6.

The Clerk is directed to send electronic notifications of the entry of this Order to all registered users of the CM/ECF System that have appeared in this case, counsel for the United

States Trustee shall serve a copy on counsel for the Debtor, and no further service shall be necessary.

ENTER: _____

CHIEF UNITED STATES BANKRUPTCY JUDGE

REQUESTED:

United States Trustee for Region Four

By: /s/ Joel Charboneau

W. Joel Charboneau (VSB #68025)

Office of United States Trustee

First Campbell Square

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Trial Attorney for the United States Trustee